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12 Attorneys for Plaintiff
13 TIMOTHY GARDNER

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17
18 TIMOTHY GARDNER,

NO. C10-03410 EMC

19 Plaintiff,

20 vs.
21
22 STIPULATED DISMISSAL AND
23 [PROPOSED] ORDER

24 CITY OF BERKELEY, DAVID HODGKINS;
25 DOUG HAMBLETON; ROY MEISNER;
26 BOBBY MILLER,

Complaint Filed: June 25, 2010
Removed to Federal Court: Aug. 3, 2010

27 Defendants.
28

IT IS HEREBY STIPULATED by and between the parties to this action through their
designated counsel that the above-captioned action be and hereby is dismissed without prejudice

1 as to defendants DAVID HODGKINS and DOUG HAMBLETON, pursuant to FRCP 41(a)(1).

2 Each party to bear its own attorney fees and costs.

3 IT IS SO STIPULATED.

4 Respectfully submitted,

5 BURNS, SCHALDENBRAND & RODRIGUEZ

6 DATED: November 10, 2011.

7 /s/
8 EDWARD W. BURNS
9 Attorneys for Plaintiff TIMOTHY GARDNER

10 ZACH COWAN, City Attorney
11 MARK J. ZEMBSCH, Deputy City Attorney

12 DATED: November 10, 2011.

13 /s/
14 Mark J. Zembsch
15 Attorneys for Defendants CITY OF BERKELEY
16 and DAVID HODGKINS

17 THE FOREGOING STIPULATION
18 IS APPROVED AND IS SO ORDERED.

19 DATE: 11/16/11

